

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. No new matter has been added.

Interview Summary

The undersigned gratefully acknowledges the telephonic interview which took place on March 12, 2009 with Examiners Jason Recek and Alexander Caldwell. During the interview, the outstanding rejection was discussed with emphasis on the Creswell reference. In particular, the undersigned contended that Creswell is directed to single processing for a single device / source and so the skilled artisan would not have been motivated to combine Multer with Creswell, and even if such references were combined, the skilled artisan would not have resulted in the subject matter recited in claim 20. It is believed that the conclusion of the interview was that the current rejection would be reconsidered and that a supplemental search would be required.

35 U.S.C. § 103

Claim 20 stands rejected under 35 U.S.C. § 103(a), as allegedly being unpatentable over Multer et al. (U.S. Patent No. 6,694,336, “Multer”) in view of Creswell et al. (U.S. Patent No. 6,445,783; “Creswell”). These rejections are respectfully traversed.

For a proper rejection under 35 U.S.C. § 103(a), the Office “bears the initial burden of factually supporting any *prima facie* conclusion of obviousness” and must therefore present “a clear articulation of the reason(s) why the claimed invention would have been obvious.” MPEP §2142. An obviousness rejection “cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal

conclusion of obviousness.” MPEP §2141 quoting KSR International Co. v. Teleflex Inc., 82 USPQ2d 1386, 1385 (2007). This rationale must include a showing that all of the claimed elements were known in the prior art and that one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, to produce a combination yielding nothing more than predictable results to one of ordinary skill in the art. KSR, 82 USPQ2d at 1395. MPEP §2141.02 further notes that “a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the subject matter recited in the pending claims. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). It is respectfully submitted that the stated rejections under 35 U.S.C. §103(a) fail to satisfy this burden with regard to the currently pending claims.

As noted in the most recent office action, Multer fails to disclose at least accessing a database to obtain a user identifier, the user identifier being associated with the user and linking to two or more device identifiers, the device identifiers identifying the plurality of auxiliary platforms” as well as “converting the generic messages … based on the obtained user identifier and the linked device identifiers.” However, despite the allegations in the office action, it is respectfully submitted that Creswell also fails to disclose such features.

As an initial matter, Multer relates to a data transfer and synchronization system in which data is transferred between two systems independent of the form in which the data is kept on the respective systems. Creswell, in contrast, relates to a system providing, for example, specialized processing of communications on automatically generated identifiers. Specific examples of Creswell relate to customized processing of phone calls (e.g., phone menu options, etc.) based on the source of the phone call. The skilled artisan, seeking to result in the claimed subject matter,

would not have been motivated to combine Multer and Creswell because of their disparate applications and Creswell does not at all relate to data synchronization (as recited in the current claims).

Creswell relates to an arrangement in which an identifier signal forming part of a communication identifies the source of the communication (see, *inter alia*, Creswell col. 3, lines 44-52). This identifier signal can identify a user device by telephone number, URL, IP address, mobile identification number, a unit ID number, or a trunk circuit. In the case of a unit ID number, in contrast to the allegations in the office action, only a single device is specified (even though there may be multiple devices connected over the same communications links). At no place does Creswell suggest that there are two or more devices that are synchronized as recited in the claims. Moreover, Creswell fails to even suggest that the identifier signal identifies two devices simultaneously communicating.

Furthermore, Creswell fails to suggest converting the generic messages to adapted messages corresponding to each of the auxiliary platforms based on the obtained user identifier and the linked device identifiers because, *inter alia*, Creswell does not suggest an arrangement in which there are two or more linked device identifiers for a particular communication.

Accordingly, claim 20 should be allowable.

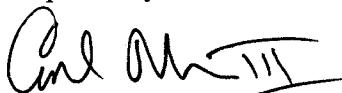
New claim 21 includes similar features to that of claim 20 and additionally recites a synchronization database as well as a synchronization store database. Therefore, based on similar reasoning to that of claim 20, claim 21 and its dependent claims should also be allowable.

Concluding Comments

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Applicant asks that all claims be allowed.

If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below. The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 34874-281.

Respectfully submitted,



Date: March 18, 2009

Carl A. Kukkonen, III
Reg. No. 42,773

Address all written correspondence to
Customer No. 64280
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
3580 Carmel Mountain Road, Suite 300
San Diego, CA 92130
Phone: 858.314.1500
Fax: 858.314.1501